

Rising Star: Sheppard Mullin's Michael Scarborough

By Richard Vanderford

Law360, New York (April 1, 2010) -- A one-time Sheppard Mullin Richter & Hampton LLP summer associate who quickly moved up to point man for client Samsung Electronics Co. Ltd. in four antitrust multidistrict litigations, Michael W. Scarborough has earned his place on Law360's list of 10 competition attorneys under 40 to watch.

Scarborough, a partner in the firm's San Francisco office, is national counsel for Samsung in four MDLs over video displays and computer memory, all high-stakes cases in federal court in California whose damage claims could total more than \$1 billion.

Despite being relatively young, Scarborough, 38, has taken a leadership role in the joint defense group for those cases, said Gary Halling, Sheppard's practice group leader in the antitrust and trade regulation group and an informal mentor to Scarborough.

"It's unbelievable for someone his age," Halling said, but not entirely surprising. Early on, Scarborough was singled out as an attorney with potential, Halling said.

A graduate of University of California, Berkeley, Boalt Hall School of Law, Scarborough first worked with the firm as a summer associate in 1998, then joined full-time in fall of the next year, becoming a self-described "Sheppard Mullin lifer."

He made partner within eight years, the shortest amount of time possible at the firm, Halling said.

"He was identified very early on as a superstar because he was just really much better than his peers," Halling said, noting that Scarborough's brains, dedication and quality work have pushed him to the top of his cohort.

Though he has become a luminary in the firm's competition practice, he never took an antitrust course at law school.

He began working a mix of employment and unfair competition cases along with antitrust, but got major exposure to big antitrust — and the media spotlight — working with Halling to defend Hearst Corp.'s high-profile, more than \$500 million acquisition of the San Francisco Chronicle.

"Because it was the media, it was 'well-reported,' shall I say. Headlines in the paper, TV, the whole bit," Halling said of the experience.

They won that case outright and negotiated a favorable outcome in a similar media merger case.

"Mike was instrumental. He was the top guy working with me on that," Halling said. "A very young guy who always has been way ahead of his time."

Scarborough also helped save MasterCard International Inc. about \$100 million in damages in a class action-style case over its foreign currency conversion practices, a case he started working on within a year of joining Sheppard Mullin.

That case, filed under California's then-loose "representative action" rules, involved a five-month trial.

"It was long," Scarborough said with a laugh. Only a third-year associate at the time, Scarborough was "in there every day working in the trenches on the trial," he said.

The trial ended in a judgment for the plaintiff, but his team successfully argued that a post-judgment change in statute applied retroactively and won a reversal of the decision. He has since become the primary lawyer for MasterCard at Sheppard.

Though drawn to antitrust because the damages at stake mean both sides bring out their best lawyers, Scarborough doesn't necessarily intend to make competition law his life's work, he said.

"I don't know that I'm dyed-in-the-wool, only want to do antitrust law from now until I die," he said.

Halling predicts big things, in any case.

"People who do really well, it's not just that they do good work or they're smart — they're driven," Halling said. "At this point he's got the right training and I think he's going to continue to do better and better."